

¹The current version of Rule 59 of the *Federal Rules of Civil Procedure* permits a Rule 59(e) motion to be filed within 28 days after the entry of judgment. This change is of no consequence here, where Smith's post judgment motion was filed more than 28 days after the entry of judgment.

Distribution:

Eric D. Smith

DOC #112675

Wabash Valley Correctional Facility - Inmate Mail/Parcels

6908 S. Old U.S. Highway 41

P.O. Box 1111

Carlisle, IN 47838